IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4271 OF 2007

Tribhuvandas M.Rughani & Ors. ...Petitioners

Versus

Shree Raghuvanshi Co-operative
Housing Society Ltd & Ors. ...Respondents

Shri Girish Godbole with Shri Vishal Thaker i/by Vinod Thaker for the Petitioners.

CORAM : ABHAY S.OKA, J.
DATED : JULY 16, 2007.

P.C.:

1. The learned counsel appearing for the Petitioner states that the Petitioners desire to challenge the impugned order in an Appeal which may be preferred by the Petitioners against the decree passed in the suit, in case the said decree is adverse to the Petitioners. He submits that all questions in that behalf may be kept open. He submits that assuming that the impugned order is legal and valid, and if the plaint is amended on the basis of the impugned order, the same will have a result of ousting the jurisdiction of the City Civil Court at Bombay.

2. In view of the aforesaid submissions, Petition is disposed of by observing that it will be always open for the Petitioners to challenge the impugned order

while challenging the decree passed in the suit, in case the said decree is adverse to the Petitioners. It is made clear that all contentions of the parties on merits are expressly kept open. It is also made clear that it will be open for the Petitioners to file additional written statement to the amended plaint and to raise all contentions including the contention that the jurisdiction of the City Civil Court stands ousted as a result of the amendment. Parties to act upon an authenticated copy of this order.

JUDGE